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*Attorneys for Plaintiffs ALISU INVESTMENTS, LTD.,  
and KARGO GROUP GP, LLC*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

**ALISU INVESTMENTS, LTD. and  
KARGO GROUP GP, LLC,**

## Plaintiffs,

V.

TRIMAS CORPORATION d/b/a/ NI  
INDUSTRIES, INC.; BRADFORD  
WHITE CORPORATION; LUPPE  
RIDGWAY LUPPEN; PAULA BUSCH  
LUPPEN; METAL PRODUCTS  
ENGINEERING; DEUTSCH/SDL,  
LTD.; RHEEM MANUFACTURING  
COMPANY; and INFINITY  
HOLDINGS, LLC,

### Defendants.

## AND ALL COUNTERCLAIMS

Case No. 2:16-CV-00686 MWF (PJWx)

Honorable Michael W. Fitzgerald

**JOINT STATUS REPORT AND  
REQUEST FOR TRIAL SETTING  
ORDER**

## **JOINT STATUS REPORT**

Plaintiffs Alisu Investments, Ltd. and Kargo Group GP, LLC (collectively “Plaintiffs”) and Defendant Bradford White Corp. (“Bradford”), hereby submit this Joint Status Report pursuant to the Court’s May 22, 2023 Order (Dkt No. 340).

Since the last update submitted to the Court, the remaining parties – Plaintiffs and Bradford (collectively, the “Parties”) – have continued to engage in good faith settlement discussions but have not yet been able to reach a resolution.

As the Court may recall, the Parties desired to obtain a Remedial Action Plan (“RAP”) prepared by Plaintiffs and approved by the Department of Toxic Substances Control (“DTSC”) to allow Bradford to assess the scope of approved remediation work which would help set parameters for a reasonable resolution of the dispute. Plaintiffs submitted a RAP on September 8, 2022 as requested by DTSC, and both Plaintiffs and Bradford have been communicating with DTSC to facilitate DTSC approval of the submitted RAP. The DTSC issued a Memorandum providing comments on the draft RAP dated December 15, 2022, and the DTSC Human and Ecological Office (HERO) provided comments on Plaintiff’s Feasibility Study on February 23, 2023. Plaintiffs’ consultant has submitted a revised RAP which includes a draft notice for a 30-day community review as required by the DTSC.

Plaintiffs and Bradford still desire to resolve this dispute through settlement but, given the time that has lapsed and the expiration of the litigation stay on May 1, 2023, the Parties request that the Court set this case for trial on a reasonable schedule to allow the Parties to attempt to reach a settlement and prepare for trial if necessary. As such, the Parties respectfully submit and request the Court issue an order with deadlines as follows:

- All non-expert discovery shall be completed by no later than September 29, 2023;
  - The Parties shall designate their expert witnesses, and make the required disclosures, by no later than October 2, 2023;

- The Parties shall designate and disclose any rebuttal expert witnesses by October 23, 2023;
  - All expert discovery shall be completed by November 30, 2023;
  - The last day to file motions shall be December 29, 2023;
  - Pursuant to Local Rule 15-16, the Parties elect to participate in a private dispute resolution proceeding, and such proceeding shall be completed by January 26, 2024;
  - The Parties shall file their respective Memorandum of Contentions of Fact and Law, Exhibit and Witness Lists, Status Report regarding settlement, and all Motions in Limine by February 22, 2024;
  - The Parties shall lodge Pretrial Conference Order, file agreed set of Jury Instructions and Verdict forms, file statement regarding Disputed Instructions and Verdict forms, and file any oppositions thereto by March 15, 2024;
  - Final Pretrial Conference and Hearing on Motions in Limine to be held in April, 2024; and
  - Trial Date (Est. 3-5 Days) to start on May \_\_, 2024.

Respectfully submitted,

Dated: June 2, 2023

SHER EDLING LLP

By: /s/ Matthew K. Edling  
Matthew K. Edling

*Attorneys for Plaintiffs ALISU  
INVESTMENTS, LTD, and KARGO GROUP  
GP, LLC*

1 Dated: June 2, 2023

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**ALLEN MATKINS LECK GAMBLE**  
**MALLORY & NATSIS LLP**

4 By: /s/ John J. Allen

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*Attorneys for Defendant Bradford White  
Corporation*

### **ECF CERTIFICATION**

I, Matthew K. Edling, in compliance with Civil Local Rule 5-4.3.4(a)(2)(i),  
hereby attest that the above-named counsel has concurred in this filing.